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13 UNITED STATES DISTRICT COURT  
14 FOR THE EASTERN DISTRICT OF CALIFORNIA  
15

16 EVANSTON INSURANCE  
17 COMPANY,

18 Plaintiff,

19 vs.

20 OEA, INC. and DOES 1 through 20,  
21 inclusive,

22 Defendants.

Case No.: CIV 02-1505-DFL-PAN

**STIPULATION AND [PROPOSED]  
ORDER CONTINUING DISCOVERY  
AND OTHER PRE-TRIAL CUT-OFF  
DATES**

23 AND RELATED CROSS-ACTIONS  
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The remaining parties to this action, OEA, Inc. (“OEA”) and Certain Underwriters at Lloyd’s of London, et al. (“Underwriters”), are currently engaged in motion practice regarding discovery propounded by each of them. In addition, the parties need this written discovery to be completed to effectively take the depositions relevant in this matter. Still further, Underwriters has filed a Motion for Reconsideration of the Court’s December 20, 2005 Order on their Partial Summary Judgment Motion. Due to all of these factors, the parties are unable to comply with the dates set by the Court at the hearing of September 9, 2005, for motion cut-off, discovery cut-off and other pre-trial dates. The parties, therefore, stipulate to extend the discovery, motion and other pre-trial dates as follows:

| <b>Current Date</b>   | <b>New Date</b>      |
|---|----------------------|
| Last day for OEA to file its Motion for Summary Judgment – <b>February 22, 2006</b>   | <b>May 3, 2006</b>   |
| Initial Expert Disclosure – <b>March 1, 2006</b>  | <b>May 10, 2006</b>  |
| Last day for Underwriters to file their Motion for Summary Judgment and to Oppose OEA’s Motion for Summary Judgment – <b>March 8, 2006</b>  | <b>May 17, 2006</b>  |
| Last day for OEA to file a Reply in Support of its Motion for Summary Judgment and last day for OEA to file its Opposition to Underwriters’ Motion for Summary Judgment – <b>March 22, 2006</b> | <b>May 31, 2006</b>  |
| Rebuttal/Supplemental Expert Disclosure – <b>March 24, 2006</b>   | <b>June 2, 2006</b>  |
| Last day for Underwriters to file their Reply in Support of their Motion for Summary Judgment and Discovery cut-off– <b>April 5, 2006</b>   | <b>June 14, 2006</b> |
| Hearing on Summary Judgment Motions –   | <b>June 28, 2006</b> |

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|-----------------------|--|
| <b>April 14, 2006</b> |  |
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The parties cannot agree upon whether the final pre-trial conference and trial in this matter should be continued. OEA requests the pre-trial conference and trial dates remain as currently scheduled, for June 9, 2006 and August 7, 2006, respectively, and believes that these dates are realistic, even in view of the above stipulated dates. Underwriters believe that maintaining the current pre-trial conference and trial dates is unrealistic in view of the above stipulated pre-trial dates and Underwriters requests pre-trial conference and trial dates of August 30, 2006 and October 4, 2006, respectively. The parties, therefore, respectfully request the Court to consider the dates for the pre-trial conference and trial at the hearing as scheduled on March 1, 2006.

This Stipulation is not entered into for the purpose of delay.

Dated: February \_\_, 2006

LONNIE E. WOOLVERTON  
JOHN L. VIOLA  
THELEN REID & PRIEST LLP

By \_\_\_\_\_  
John L. Viola  
Attorneys for OEA, INC.

Dated: February \_\_, 2006

ANDREW T. HOUGHTON  
CONDON & FORSYTH LLP

By \_\_\_\_\_  
Andrew T. Houghton  
Attorneys for CERTAIN UNDERWRITERS  
FOR LLOYD'S OF LONDON, ET AL.

1 IT IS SO ORDERED.

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3 Dated: 2/1/2006

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/s/ David F. Levi  
The Honorable David F. Levi  
United States District Judge

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